

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

COLLEGENET, INC.,  
a Delaware Corporation,

Plaintiff,

v.

XAP Corporation,  
a Delaware Corporation,

Defendant.

03-CV-1229-BR

OPINION AND ORDER

**SCOTT D. EADS**

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**BROWN, Judge.**

On April 17, 2008, this Court granted Plaintiff CollegeNET, Inc's Motion for Permanent Injunction (#717) against Defendant XAP Corporation. See Opin. and Order (issued Apr. 17, 2008). The Permanent Injunction Order specifically directed XAP to provide certain information to students before they choose whether to receive student-loan and financial-aid information from XAP's Mentor Sites:

The Court concludes it is in the public interest for students to be made aware unequivocally of the consequences of checking the "Yes" box on Defendant's opt-in question by conspicuous language at the point where the opt-in question appears.

In summary, the Court concludes Plaintiff is entitled to equitable relief in the form of a permanent injunction that requires Defendant specifically to inform student applicants in plain, concise, and conspicuous language set forth immediately preceding the opt-in question that by answering "Yes" to that question the applicant understands he or she specifically is authorizing Defendant to disclose the following personal information to the appropriate Mentor: [a description of the personal information that will be disclosed] to the following: [a list of all entities that will receive any or all of the

personal information] for purposes of [a description of all purposes for which the information is submitted].

Opin. and Order at 11-12.

The Court ordered CollegeNET and XAP to submit separate proposals as to the form of the Permanent Injunction. The Court has reviewed the proposals and concludes XAP's proposed form of Permanent Injunction with attached Exhibits A and B satisfies the Court's Order. Accordingly, the Court adopts XAP's proposed Form of Permanent Injunction with attached Exhibits A and B.

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2008.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Court